

# **Charter Schools Authorizer Rubrics for Special Education For Schools Operating as Independent Local Education Agencies (LEAs)**

**Draft 6/1/12**

## ***Introduction***

Twenty years into the evolution of the charter sector, questions remain about how to help charter schools build and sustain the capacity to educate children with disabilities. Research examining special education and related services in the charter sector has documented that operators are frequently unprepared to navigate the complex special education regulatory web or offer special education services given their lack of established systems and technical expertise. To date, most technical assistance has focused on charter school operators, but charter school authorizers are uniquely positioned to 1) make certain that charter applicants have the capacity to educate children with disabilities and 2) make certain that existing operators are providing high quality special education and related services to all students with disabilities and complying with all applicable laws, rules and regulations.

We developed these rubrics for authorizers to build their capacity to support development and maintenance of high quality special education programs. Authorizers are responsible for ensuring that the schools they charter have appropriate capacity to meet all the special education requirements assigned to them as public schools of the state. The job of the authorizer is to make certain that students with disabilities have equal access to charter schools and, once enrolled, are provided a high quality education supported by appropriate special education and related services.

To develop the tools, we built upon existing technical assistance documents produced by the National Association of State Directors of Special Education (NASDSE) and research conducted by our team under the auspices of Project SEARCH, SPEDTACS, Project Intersect, and TA Customizer projects funded by the U.S. Department of Education and recent work commissioned by the Center for Reinventing Public Education (CRPE). The rubrics are designed to provide authorizers a roadmap to navigate the complexities of assessing an applicant's capacity to develop, offer, and sustain a high quality special education program. However, ***authorizers using these rubrics must have a basic understanding of special education*** or seek to develop this knowledge to ensure that their decisions reflect best educational practice as well as the requirements of local, state, and federal special education law. For more information and helpful resources, see Appendix.

## ***Application Review Phase***

Authorizers have the critical responsibility to determine whether an applicant is qualified to operate a public school and educate children. In the interest of ensuring that all public schools are accessible to all children, it is essential that applicants—new as well as those seeking to replicate existing charter schools—are prepared to offer high quality special education and related services. To date, this capacity has most often not been assessed directly. Rather, applicants are generally only required to sign an assurance that they will comply with federal and state special education statutes. Some experienced authorizers require a more substantive description of applicant's special education philosophy, process to identify, and plan to provide services to all children with disabilities. In other instances, authorizers require applicants to adopt generic special education policies and practices that may or may not reflect the unique characteristics of the school. While potentially adequate, such practices do not fully leverage the potential of a charter. Rather, the charter sector's goal should be to create high quality schools that offer new and different learning opportunities for all students, including those with a wide range of disabilities. The first component of the rubric provides a structure for authorizers to examine charter applications with a critical eye toward ensuring that potential operators are prepared to educate students with disabilities.

## ***Operations & Oversight Phase***

The second component of the rubric outlines a means for authorizers to track charter school operations relative to student with disabilities. All charter schools are required to have the necessary knowledge about special education when they open their doors and thereafter for the duration of their charter contract. However, given the individualized nature of special education and related services, there is no one best model or approach and assessing programs can be a challenge. To ensure high quality programs, authorizers should regularly monitor the status of charter schools' special education and related services as well as their policies and procedures.

### ***Renewal & Closure Phase***

During charter renewal, authorizers assess the degree to which operators have met the goals outlined in their charter application and the resultant contract. With a few key exceptions, to date renewal rigor has not met expectations. In practice, many charter schools are renewed regardless of whether they meet the academic standards and other important terms of their charter. Charter schools without ultimate accountability for results do not create opportunities to meaningfully improve educational opportunities for students. The renewal and closure phase of the rubric should help authorizers to construct a rigorous renewal process that examines the quality of charter school's special education program. Where the performance of a school as a whole or for the sub-population of students with disabilities does not meet expectations, closure may be the appropriate action by the authorizer.

**This rubric is specifically designed for authorizers in locations where charter schools are empowered and required under state law to function as a local educational agency (LEA).**

## APPLICATION REVIEW: CHARTER SCHOOLS ARE LOCAL EDUCATION AGENCIES (LEAs)

**Rubric Objective:** Provide authorizers with a tool to assess applicant's capacity to provide a high quality special education program. Use of this rubric will infuse a layer of transparency into the authorization process by creating and disseminating a structure for applicants to consider what they need to do to make certain they are prepared to educate students with disabilities.

The analysis should be different for first time applicants than existing schools seeking to replicate. Rubric elements for new applicants focus on indications of the group's understanding of the challenges and requirements of serving students with disabilities in a charter setting; those for schools seeking to replicate focus on the track record already established by the organization.

| Application Category | Core Elements   | Key Considerations   | Best Practices   |
|----------------------|---|--|--|
| Child Find           | Policies and practices in place to identify and assess students who may be eligible to receive special education and related services | <ul style="list-style-type: none"><li>• How does the school plan to identify students who may have a disability in order to offer evaluation services?</li><li>• Does the school have a plan to make the local community aware that the school can screen students for eligibility to receive special education and related services and thereafter provide these services?</li><li>• Does the school plan to employ a staff member who is knowledgeable about the 'Child Find' requirement? If not, how will the staff have access to special education information and guidance?</li></ul> | <p>Public schools are responsible for pro-actively seeking to identify students who may require special education and related services. Child Find is not a single action but rather an ongoing process to raise awareness about available screening, assessment, and service provision.</p> <p>Charter schools do not have the same type of responsibility for Child Find as traditional public schools, but charter schools must have a process to inform potential and existing parents about the availability of evaluative screenings to identify students in the grades the school serves.</p> <p>Charter schools are responsible for identifying any student who is enrolled in the school who is presenting academic or behavioral problems and determining whether that child should be referred for a special education evaluation.</p> <p>The process typically entails advertising screening services to the general public as part of student recruitment activities as well as promoting awareness of available screening and services for students already enrolled. Special education should be an integral part of all recruitment activities and</p> |

| Application Category      | Core Elements  | Key Considerations  | Best Practices  |
|---------------------------|--|---|---|
| Staffing & Administration | Number and nature of specialized staff to be hired to administer programs and provide special education and related services | <ul style="list-style-type: none"> <li>• How many students with disabilities does the proposed school anticipate enrolling?</li> <li>• How will special education and related service personnel collaborate with general education teachers (e.g., will general and special education teacher team teach, when will general and special education teachers be able to plan together)?</li> <li>• If there is a shortage of special education teachers in the community, do personnel anticipate developing any creative solutions to make certain they can find teachers (e.g., allocate funds to offer teachers support or incentives to become dual certified, or investigate sharing staff with other schools)?</li> <li>• Considering the total projected enrollment of the school, will there be a designated special education administrator / coordinator? If not, will an administrator who is required to wear multiple hats in addition to special education be assigned responsibility?</li> <li>• If the school contracts with an external provider for special education and related services, <ul style="list-style-type: none"> <li>○ What structures are in place to coordinate service provision? Do both parties have a clear understanding of their responsibilities?</li> <li>○ Does the school have a plan to communicate with the service provider regarding special education compliance?</li> <li>○ Does the school have a plan for how disputes with the provider will be resolved?</li> </ul> </li> <li>• If the school has a virtual or blended learning component, who will be the designated caseworker and who will be responsible for providing services outlined in the IEP?</li> </ul> | <p>materials.</p> <p>Schools should know the average percentage of students with disabilities in their area or, reflecting the national average, anticipate that at least 10-12% of their student population will require special education services. For schools specifically targeting students with unique learning needs, this percentage may be significantly higher.</p> <p>The charter application should reflect clear understanding of the fact that the school will need to employ or contract with specialized staff in accordance with laws established to protect the rights of individuals with disabilities (e.g., Americans with Disabilities Act, Individuals with Disabilities Education Act, and Section 504 of the Vocational and Rehabilitation Act)</p> |

| Application Category     | Core Elements  | Key Considerations  | Best Practices   |
|--------------------------|--|---|--|
| Curriculum & Instruction | The core content to be delivered in the school and the method of delivering the content  | <ul style="list-style-type: none"> <li>What is the applicant's plan to accommodate different learning styles?</li> <li>What is the applicant's plan to modify delivery of curriculum (e.g., integration of assistive technology) to ensure that all students can access the general education curriculum?</li> <li>How does the school plan to train teachers to modify the curriculum and instruction to address the unique needs of students with disabilities?</li> <li>If the school is going to contract with an external provider for special education and related services, what structures do they plan to develop to coordinate modifications and accommodations between the provider and the general education teachers?</li> <li>How will curriculum and instruction decisions be tracked and monitored by IEP teams and other school personnel?</li> </ul> | <p>Supporting students' access to the general education curriculum is the purpose of providing special education and related services. Students with identified needs under the IDEA are entitled to a Free Appropriate Public Education (FAPE) provided to them in the Least Restrictive Environment (LRE) appropriate for their needs. Charter applications should articulate a clear plan to ensure that all students can access the curriculum and that instructional techniques will be adapted to serve all students.</p> <p>If the school has a virtual or blended learning component, the application should contain a detailed description of how the learning management system (LMS), the central component of online learning approaches, will enable students with disabilities to access the curriculum.</p>     |
| Assessment               | The tools used to measure academic progress. Assessments are generally administered annually to comply with federal and state accountability requirements but many schools also administer a variety of short-cycle, formative, and predictive assessments to inform instructional practice throughout the year. | <ul style="list-style-type: none"> <li>Does the school have a plan to identify students who may be struggling and would benefit from academic interventions?</li> <li>Does the school have a plan to implement evidence-based early interventions (i.e., response to intervention—RtI) and a means to track student progress?</li> <li>Does the application include an assurance that appropriate accommodations will be given to students as outlined in their IEPs when taking assessments?</li> <li>Does the applicant understand that some students may require an alternate assessment and have a plan to determine which if any students will require such assessments?</li> <li>Does the applicant provide an assurance to</li> </ul>  | <p>Reflecting the supports provided in their IEPs, administration of assessment must incorporate the same supports and accommodations students with disabilities receive in the classroom. Aside from formally required assessments, including alternate assessments for students with the most significant cognitive disabilities, schools should identify other metrics to measure and evaluate the progress of students with disabilities (e.g., progress toward meeting outcome goals outlined on IEPs, quantity of time in general education classrooms, success after matriculation from the schools).</p> <p>If the school has a virtual or blended learning component, the operator will need to budget funds to administer assessments in a secure setting (e.g., local public school, public library, college or</p> |

| Application Category                           | Core Elements   | Key Considerations   | Best Practices  |
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|  |   | <p>make certain that the school facility will have adequate space to administer assessments to students with disabilities (e.g., a separate room for students who will have a test read to them or who need isolation)?</p> <ul style="list-style-type: none"> <li>• If the school has a virtual or blended learning component, does the applicant outline where students will be assessed and how they plan to accommodate students with disabilities to ensure testing environments reflect supports outlined on the IEP?</li> </ul> | <p>university) and ensure that these settings can accommodate students with disabilities.</p>   |
| Enrollment                                     | <p>Applicants should project to and plan for approximately the same proportion of students with disabilities as is enrolled in local neighborhood schools</p> | <ul style="list-style-type: none"> <li>• What percentage of students in the local community is identified as having a disability?</li> <li>• For elementary schools, how does the school plan to market to families with pre-school students already in public school system and receiving early childhood special education services?</li> </ul>  | <p>Schools should know the average percentage of students with disabilities in their area or at least anticipate that 10-12% of their student population will require special education services. For schools specifically targeting students with unique learning needs, this percentage may be significantly higher. To make certain that the school is an attractive option for all students, the applicant should commit to develop marketing, application, and enrollment materials and procedures that do not inadvertently discourage students with disabilities from enrolling. In particular, enrollment procedures should not ask whether students have disabilities. Rather, once students are accepted, either by general enrollment or via lottery if the school is over-enrolled, school personnel can inquire regarding students' disabilities for planning purposes. A child having a disability is not an acceptable reason to deny admission. Such denial would constitute discrimination specifically banned by federal law.</p> |
| Individual Education Program (IEP) Development | <p>The process by which a team of professionals, in collaboration with parents and other external experts as needed, develop a plan to provide special</p>    | <ul style="list-style-type: none"> <li>• Does the school have a plan to inform parents about their and their child's rights associated with IDEA?</li> <li>• Does the school have a plan to hire personnel to serve as case managers responsible for</li> </ul>  | <p>The IEP is the evolving document that reflects a student with a disability's unique needs and the individual services to be provided to enable them to access the general education curriculum and succeed at school. Developing an IEP requires a level of</p>  |

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|                      | education and related services to a student identified as eligible for special education.   | <p>implementing the IEP?</p> <ul style="list-style-type: none"> <li>Does the school plan to hire a staff member or contract with an external entity to be responsible for scheduling, leading, and documenting IEP meetings?</li> <li>If the school has a virtual or blended learning model, how will IEP's be modified to incorporate the virtual or blended learning environment?</li> <li>If the school is a high school, do they have an understanding of or an ability to develop an appropriate transition plan in accordance with IDEA regulations?</li> </ul>   | knowledge of IDEA as well as state special education rules and regulations. Charter applicants should articulate a clear and feasible plan for how IEPs will be developed.   |
| Service Provision    | The distinct special education and related services outlined in IEPs are the core of special education. The purpose of the services and supports is to ensure that students with disabilities can access the general education curriculum and achieve the academic and social goals outlined in their IEPs. | <ul style="list-style-type: none"> <li>How many special education teachers, coordinators and paraprofessionals does the school anticipate employing?</li> <li>Alternatively, whom will the school contract with (e.g., local school district or service agency) to obtain special education teachers, coordinators, and paraprofessionals?</li> <li>What kind of certification will the special education teachers, coordinators and paraprofessionals need?</li> <li>Does the school have a plan to recruit and hire only qualified personnel as required by IDEA? Does the school plan to seek dual-certified teachers?</li> <li>Will the school hire part-time or retired special education teachers?</li> <li>Will schools have available the services of a nurse or other appropriate staff to handle health-related issues?</li> <li>If the school has a virtual or blended learning component, how will the charter school personnel collaborate with district personnel to provide services virtually?</li> </ul> | <p>Service provision includes general education teachers as well as special education and related service providers. The ability to hire and retain high quality instructional personnel who 1) buy into the notion that all students can learn and 2) support the charter school's mission is central to developing a successful special education program.</p> <p>If the state operates intermediate agencies with responsibility for providing special education and related services, the charter applicant should initiate conversations with the entity regarding how to ensure they can access services equivalent to their traditional school peers as soon as they open.</p> <p>If the school has a virtual or blended learning component, particular attention will be required regarding delivering special education and related services. While many services can readily be provided through virtual channels (e.g., specialize curricula, tutoring, and speech therapy), other services need to be required in-person. The charter applicant should consider these issues early in the application process they have implications for</p> |

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|                      |  | <ul style="list-style-type: none"> <li>• If the charter school plans to contract with an external provider for special education and related services, how will they coordinate provision of services to make certain that there are not lapses in delivery?</li> <li>• Is there a network of intermediate service providers (e.g., Board of Cooperative Education Services, Collaboratives, Education Service Centers, Intermediate School Districts)? If yes, has the charter school initiated a dialogue with the intermediate agency regarding service provision?</li> <li>• Does the state maintain a special education risk pool? If yes, does the charter have a plan to ensure that it can access the risk pool should a child with significant disabilities enroll.</li> </ul> | staffing allocations and transportation costs.   |
| Funding              | Special education and related services are funded through a combination of federal, state, and local education funds | <ul style="list-style-type: none"> <li>• How will federal special education dollars flow to the charter schools?</li> <li>• How will state special education dollars flow to the charter school?</li> <li>• How will local special education dollars flow to the charter school?</li> <li>• Is the charter school eligible to receive Medicaid reimbursements?</li> </ul>   | The first step to securing adequate funding is making certain that both the authorizer and the charter applicant have a clear understanding of how dollars will flow to the school. Lack of transparency or over complicated funding procedures can lead to mistrust and incorrect assumptions about the extent to which charter schools are receiving their funding. Devoting adequate time to educating charter applicants and operators about funding can pre-empt problems due to misunderstandings. |
| Budget               | Description of how school revenues are allocated to pay for expenditures   | <ul style="list-style-type: none"> <li>• Does the school's budget include allocation of funds to support special education and related services?</li> <li>• Does the budget include funds allocated to train all personnel regarding educating students with disabilities?</li> <li>• If the charter school is purchasing services from the authorizer or other external entities, how will fees be set?</li> </ul>   | <p>The school's special education budget line is the tangible expression of the school's investment in quality special education and related services. Authorizers should expect to see funds allocated to administration of special education, evaluation, professional development, and provision of special education and related services.</p> <p>If it is an option in the state the charter budget</p>   |



| Application Category | Core Elements  | Key Considerations  | Best Practices  |
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|                      |  | <ul style="list-style-type: none"> <li>If the school has a virtual or blended learning component, what are the budget implications of this approach (e.g., cost of providing access to internet and potentially specialized hardware and software to accommodate students with disabilities)?</li> </ul>  | should include a line item to join the intermediate unit (e.g., education service center, collaborative or board of cooperative education services).  |
| Facility             | The school's physical plant including classrooms, administrative space and the external spaces used by students          | <ul style="list-style-type: none"> <li>Does the school have a plan to secure a facility that is accessible to students with limited mobility?</li> <li>Does the school have a plan to secure a facility that includes space to provide support services outside of the general education classroom?</li> <li>Does the school have a plan to secure space to store student records that meets federal privacy requirements?</li> </ul>         | Charter school facilities need to comply with local and state health and safety requirements as well as the federal Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Providing individuals with mobility impairments ready access to all school facilities should be one of the criteria charter applicants use when seeking an appropriate facility for their school. The program offered by the school needs to be accessible when it opens in anticipation of a student or parent having a disability as opposed to retrofitting an inaccessible building when needed. An inaccessible building is a potential deterrent that may limit the students who enroll in the school. It is important to note, though, that federal rules require that a school's program be made accessible, not necessarily that every space within the facility is made accessible. For example, it may be that certain program elements can be relocated from a high floor to the ground floor to accommodate student or parent need. Building renovations must comply with applicable rules and could trigger additional responsibilities related to access. |
| Discipline           | Policies and procedures that outline behavioral expectations and consequences for students who do not meet expectations. | <ul style="list-style-type: none"> <li>What is the plan to develop a discipline policy?</li> <li>If adopting an existing district's discipline policy, do school personnel fully understand the nuances of the policy?</li> <li>Do the school leaders plan to devote time and resources to train all personnel regarding the discipline policy and specifically the nuances involved with disciplining students with disabilities?</li> </ul> | <p>Applicants should anticipate the need to have thoughtful and fair discipline policies that reflect their educational philosophy and best instructional practices. The goal of discipline is to teach children how to behave and provide a safe environment in which all students can succeed absent distractions.</p> <p>It is important that at least one staff member fully understand the specific requirements of IDEA for</p>   |

| Application Category               | Core Elements   | Key Considerations   | Best Practices  |
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|                                    |   | <ul style="list-style-type: none"> <li>How will the school manage manifestation hearings if it is an LEA and required to convene them?</li> </ul>  | applying discipline for students with disabilities. Significant attention should be devoted to clearly articulating expectations to make certain that students are clear regarding behavior expectations and consequences. The school should plan to train all personnel regarding the discipline policy.   |
| Family and Community Engagement    | Efforts to be taken to engage parents and the broader community in the success of the school                                      | <ul style="list-style-type: none"> <li>Does the school plan to provide families and the broader community the opportunity to contribute to the success of the school (e.g., training to support student learning, board of directors, fundraising, classroom volunteers, or advocacy)?</li> <li>Are parents of students with disabilities afforded adequate opportunity to participate in school committees?</li> <li>If the school has a virtual or blended learning component, what structures will be developed to fully engage parents to support learning that will occur in the home?</li> </ul> | <p>Families and the broader community can play a central role in a school's success. For students with disabilities, substantively engaging families in their student's education can play an important role in providing and monitoring individualized services.</p> <p>If the school has a virtual or blended learning component, family engagement can be particularly important. School personnel should develop strategies and structures to substantively engage the family to support the virtual component and make certain that family members are equip to support use of technology, including potentially assistive technology.</p> |
| Transportation                     | The services provided to students to transport them between their home and school   | <ul style="list-style-type: none"> <li>Will the school offer transportation to all students?</li> <li>If yes, what accommodations does the school plan to make to be certain that students with disabilities can safely and successfully take advantage of the transportation provided?</li> <li>If transportation is not provided to all students, how does the school plan to provide transportation if it is a related service in a student's IEP?</li> </ul>   | Transportation can be identified as a related service required to ensure that a student can access school. Applicants should anticipate that they will most likely be asked to provide transportation to some students with a disability and develop a plan to accommodate. Access to public transportation may be a factor that influences decisions related to securing a facility.   |
| Management Company (if applicable) | An entity-nonprofit or for-profit-hired under a performance contract to provide comprehensive or programmatic management services | <ul style="list-style-type: none"> <li>Does the applicant plan to hire a management company to provide any services? If yes, what expertise does the management company have related to education student with disabilities?</li> <li>If the management company is from out of state, how do they plan to develop expertise related to state special education law?</li> </ul>   | Management companies can offer a breadth and depth of expertise to charter applicants. However, the most productive partnerships stem from a well thought-out performance contract that outlines clear expectations and means to hold the management company accountable. If the management company is going to provide instructional services or manage  |

| Application Category | Core Elements   | Key Considerations  | Best Practices   |
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|                      |   |   | instructional personnel, provision of high quality special education services should be a component of the performance contract for which they will be held accountable.   |
| Replication Issues   | Components of the application process that are unique to replication efforts. | <ul style="list-style-type: none"> <li>• Does the school have a track record of academic success for all students?</li> <li>• Does the existing school's enrollment of students with disabilities approximate the local community?</li> <li>• What is the school's mission and vision?</li> <li>• Does the existing school have a clearly articulated curriculum?</li> <li>• Does the existing school have established policies and procedures related to recruiting, hiring, managing, and evaluating personnel?</li> <li>• Has the school established a track record of sound financial practices that positions them to secure a facility?</li> <li>• Has the school been the subject of any special education due process complaints and if yes, how were they resolved?</li> </ul> | <p>Issues from the initial application might not be applicable to an existing school interested in replicating (e.g., curriculum and instruction) and there may be additional topics that are only relevant to replication efforts (e.g., tangible evidence of academic success).</p> <p>Successful charter operators have a track record of success that presumably positions them to successfully operate additional schools. Whereas novice operators should be expected to <b>demonstrate the potential</b> to be successful, existing operators should be required to provide <b>tangible evidence of their success</b> and a feasible plan to create a new school that will be equally successful. Key features that hold promise for replication are 1) an established mission and vision, 2) high quality curriculum, 3) intentional recruitment, hiring, management, and evaluation procedures, 4) a strategy to secure a facility, and 5) back-office infrastructure.</p> <p>Replication cannot rely on a charismatic leader but rather a variety of programs, policies, and practices that are developed and adequately documented to be replicated in a different setting.</p> |

## OPERATIONS & OVERSIGHT

**Guideline Objective:** Help authorizers to ensure that currently operating charter schools are meeting obligations to include students with disabilities appropriately and serve them compliantly for the purpose of building charter school capacity.

| Operations Category      | Core Elements  | Key Considerations   | Best Practices   |
|--------------------------|--|--|--|
| Enrollment and Retention | Enrollment and retention numbers and categories of students with disabilities      | <ul style="list-style-type: none"> <li>Does the school monitor the percentage of students with disabilities it enrolls generally? By category of disability?</li> <li>Does it take ongoing steps to ensure the retention of students with disabilities?</li> </ul> | Once the school is up and running, it is important that the plans laid out in the application for fostering the identification and enrollment of students with disabilities are implemented and that the school embraces the ongoing obligation to seek and retain them. In order to ensure success in this area, the school should have a practice of gathering, reviewing, and, where needed, acting on this information.  |
| Admissions               | Admission of students without discrimination and in accordance with applicable law | <ul style="list-style-type: none"> <li>Does the school's admission process intentionally or unintentionally impede the admission and/or enrollment of students with disabilities?</li> </ul>   | As public schools, charter schools may not discriminate on the basis of disability. Admissions and enrollment practices must be consistent with federal and state law requirements. Charter schools engaging in "counseling out" (i.e., seeking to persuade parents of students with disabilities from seeking admission or from accepting a place in the school) are acting improperly and violating applicable law.  |
| Child Find               | Identify students at risk for disabilities and seek appropriate evaluations        | <ul style="list-style-type: none"> <li>As an LEA, does the charter school understand and carry out its Child Find obligations for all students who enroll in the school (should be spelled out in its charter application)?</li> </ul>                             | <p>Federal law (IDEA) requires that the LEA (i.e., the charter school that operates as an LEA) seek out students who may have undiagnosed disabilities and take steps to have them evaluated. Charter schools are obligated to provide Child Find services to students enrolled in their school.</p> <p>The school should be proactive about their responsibilities related to child-find including but not limited to ensuring that all school personnel understand their obligations related to referrals and evaluations.</p> |
| Student IEPs             | IEP and related records properly created, maintained and updated                   | <ul style="list-style-type: none"> <li>Does the school understand its role as an LEA?</li> <li>Does it have a track record of appropriately convening and conducting IEP meetings (as an LEA)?</li> <li>Does it have in place a successful</li> </ul>              | The IEP, which defines what is appropriate for a particular student, what services and interventions are required and how they are to be carried out, is the center of the special education process under IDEA. It is essential for student success and required under law that IEPs be created, implemented, updated and overseen in accordance with   |

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|                   |   | <p>process for overall case management to support success for students with disabilities?</p> <ul style="list-style-type: none"> <li>• If the school has a virtual or blended learning component, do IEPs reflect this unique environment?</li> </ul>  | <p>applicable rules. The IDEA regulations at 34 C.F.R. 300 <i>et seq.</i> contain many of the requirements.</p> <p>Authorizers should also look to the special education policy submitted by the school in its charter application for a statement of the measures the school promised to take.</p> <p>If the school has a virtual or blended learning component, IEPs should be reviewed and if necessary modified to reflect this aspect of the program.</p>  |
| Service Provision | Services provided in accordance with IEPs   | <ul style="list-style-type: none"> <li>• Does the school faithfully and consistently implement student IEPs?</li> <li>• Are students with Section 504 plans faithfully and consistently provided with services called for in those plans?</li> <li>•</li> </ul>  | Students with IEPs or Section 504 plans are entitled to receive the services identified on them.  |
| Evaluations       | Evaluations conducted appropriately and on a timely basis   | <ul style="list-style-type: none"> <li>• Does the charter school conduct appropriate and timely evaluations and re-evaluations of students with disabilities and those suspected of having disabilities?</li> <li>• If the charter school contracts with an external provider for special education and related services, does the charter school oversee and cooperate with the provider in carrying out such evaluations?</li> </ul> | In order to ensure that students are receiving appropriate services, federal and state special education laws require that evaluations and re-evaluations of students with disabilities be carried out periodically on a set timeline. Meeting these requirements is both pedagogically important and required by law. Where the charter school serves as the LEA, it is responsible for conducting such evaluations.   |
| Discipline        | Discipline procedures carried out lawfully and in accordance with school's policy (esp. regarding suspensions and expulsions) | <ul style="list-style-type: none"> <li>• Does the school faithfully and consistently follow its discipline policy with regard to students with disabilities?</li> <li>• Are students suspected of having a disability afforded appropriate process and protection when disciplines issues arise?</li> </ul>  | Charter schools should be held responsible for implementing a lawful student discipline policy that is consistent with and carried out in accordance with the rights of students with disabilities. These rules include those relating to conducting manifestation determinations in advance of any suspensions beyond 10 days in a school year. Where a charter school is the LEA, the school must address such issues. In instances where a student is suspected of having a disability as defined in the IDEA, the student is entitled to protections under the IDEA. See, generally, 34 C.F.R. 300 <i>et seq.</i> |
| Assessments       | Appropriate   | <ul style="list-style-type: none"> <li>• Are students with disabilities included in</li> </ul>   | Special education laws protect a student's right to receive   |

|         |  |  |   |
|---------|--|--|---|
|         | assessments carried out, accommodations provided, students included in testing in accordance with IEPs | <p>assessments administered by the charter school?</p> <ul style="list-style-type: none"> <li>• Are alternate assessments provided to students whose IEPs call for them?</li> <li>• Are students whose IEPs or Section 504 plans call for testing accommodations consistently provided with them?</li> </ul> | appropriate accommodations during assessments. For each student in need of such measures, the IEPs or Section 504 plan will dictate what is appropriate. In severe cases, a student's IEP may call for an alternate assessment to be administered to the child.   |
| Funding | Special education funding properly utilized  | <ul style="list-style-type: none"> <li>• Are special education funds expended only on viable special education costs and services?</li> </ul>  | Funds provided to the school from special education funding sources must be spent on legitimate special education costs and services. Authorizers should look for indications of inattentiveness to these restrictions or deliberate misallocation of such funds. |

## RENEWAL & CLOSURE

**Guideline Objective:** Provide a structure for authorizers to examine individual charter school practices over the life of charter such as: Child Find, enrollment procedures, initial evaluations, development of IEPs, provision of related services and transition services for the purpose of informing renewal decisions

| Renewal & Closure Category | Core Elements   | Key Considerations  | Best Practices   |
|----------------------------|---|---|--|
| Records Review             | Review of records – enrollment, IEP, discipline, funding, etc   | <ul style="list-style-type: none"> <li>Does the school maintain records in accordance with federal and state regulations and appropriate professional practice?</li> </ul>  | Operating schools should have organized, up-to-date, and complete files on their students with disabilities.   |
| Practices vs. Policies     | Comparison of actual practices to official school policies  | <ul style="list-style-type: none"> <li>Do routine practices reflect assurances made in the charter application (e.g., commitment to open enrollment, differentiated instruction, and response to intervention)?</li> </ul>  | Sometimes schools either don't fully implement the intentions they lay out in their charter applications or over time they fall off from providing some elements. In other cases, the school may conceive of a better way to provide services, which differs from the policy they have committed to. In such cases, the school should go through whatever steps are needed to modify their protocols to the satisfaction of their authorizer.  |
| Compliance                 | Analysis of compliance with applicable law, rules and regulations (e.g., ADA, IDEA, Section 504, and state special education regulations) | <ul style="list-style-type: none"> <li>Does the charter school maintain special education records that comply with state and federal rules and regulations?</li> <li>Has the charter school been the subject of a due-process complaint or complaints? If yes, what is the nature of the complaint(s)? Procedural or substantive in nature (e.g., related to timely paperwork or provision of FAPE?)</li> <li>What is the status of the complaint(s)?</li> <li>Are complaints isolated issues or indicative of a larger pattern of non-compliance that should factor into the decision of whether to renew the charter?</li> <li>Has the charter school been monitored by the state and if yes, is the authorizer aware of the outcomes of the monitoring?</li> </ul> | <p>Special education is highly regulated and consequently, compliance with federal and state regulations is a part of developing and sustaining a high quality special education program. Charter school operators need to understand compliance requirements and make certain that they follow procedural as well as more substantive programmatic requirements. Central to compliance is ensuring that students with disabilities are provided a free, appropriate public education in the least restrictive environment. Underlying these central tenets of special education are policies and procedures related to informing parents of their rights and ensuring that students are provided with timely assessments and regular monitoring of their progress toward achieving the goals outlined on their IEPs.</p> <p>The authorizer should make certain that charter schools are part of the standard state monitoring of LEAs and incorporate the outcomes of the monitoring into the renewal procedures.</p> |

|                      |  |   |  |
|----------------------|--|---|--|
| Handling Problems    | Review of how school handled problems related to delivery of special education and related services  | <ul style="list-style-type: none"> <li>• How has the charter school documented and resolved complaints related to educating students with disabilities?</li> <li>• Have complaints been resolved informally or progressed to formal due-process complaints filed with the state?</li> <li>• Has the school proactively sought to work with parents as partners to resolve any problems associated with evaluations, provision of FAPE, LRE, and transitioning planning?</li> </ul>  | <p>School leaders should strive to establish highly transparent policies and procedures and engage parents to the maximum extent possible. By recognizing and engaging parents as essential partners in their child's education school leaders can minimize and diffuse problems that may arise. Evidence of a commitment to involving parents is clear and regular communication about services with parents</p> <p>Charter operators should also consult with legal counsel and document evidence of advice from counsel regarding resolution of issues.</p>   |
| Performance measures | Identify and track performance metrics that document degree to which students with disabilities are benefiting from access to the general education curriculum | <ul style="list-style-type: none"> <li>• Has the school developed a means to track progress of students with disabilities aside from standardized state tests (e.g., progress on goals of the IEP, degree of inclusion in the general education classroom, student retention and graduation, post-graduation opportunities)</li> <li>• If the school has a virtual or blended learning component, how does the learning management system track progress, including provision of special education and related services?</li> </ul> | <p>Annual standardized assessments are a relatively blunt instrument to track student progress. School personnel have the ability to identify a variety of measures to track the academic progress of students with disabilities that are more nuanced than annual test and more substantive than review of inputs (e.g., complete and up-to-date IEPs and compliance with IEPs)</p> <p>If the school has a virtual or blended learning component, the learning management system should include a means to track a variety of performance metrics and potentially include tracking provision of special education and related services.</p> |



### Resources:

- California Charter Schools Association (2011). Self-Assessment Checklist of Best practices for charter schools seeking LEA status. Los Angeles, CA: Author. <http://www.calcharters.org/>
- Individuals with Disabilities Education Improvement Act of 2004 (IDEA), Pub.L.No.108-446
- Illinois State Board of Education (2011). Charter school initial application for special education services. Springfield, Illinois, Author. <http://www.isbe.net/spec-ed/>
- Lange, C. M., Ahearn, E. M., Giovannetti, E.A., Rhim, L. M., & Warren, S. H. (2004). *Primer for state education officials: Special education requirements and including students with disabilities in charter schools*. Alexandria, VA: National Association of State Directors of Special Education.
- National Association of Charter School Authorizers: <http://www.qualitycharters.org/>
- National Association of State Directors of Special Education: Primers on Special Education in Charter Schools: [http://www.uscharterschools.org/cs/spedp/print/uscs\\_docs/spedp/home.htm](http://www.uscharterschools.org/cs/spedp/print/uscs_docs/spedp/home.htm)
- National Charter School Resource Center: <http://www.charterschoolcenter.org/>
- National Dissemination Center for Children with Disabilities (NICHY): <http://www.nichy.org/InformationResources/Pages/default.aspx>
- O'Neill, P.T., Wenning, R.J., & Giovannetti, E., (2002), *Serving Students with Disabilities in Charter Schools: Legal Obligations and Policy Options*. 169 *West's Education Law Reporter* 1
- Rhim, L. M., Ahearn, E. M., Giovannetti, E.A., Lange, C. M., & Warren, S. H. (2004). *Primer for charter school authorizers: Special education requirements and including students with disabilities in charter schools*. Alexandria, VA: National Association of State Directors of Special Education.
- Rhim, L. M., & Brinson, D., (2010). Lessons from successful charter schools. In R. Lake (Ed.). *Unique Schools Serving Unique Students: Charter Schools and Children with Special Needs*. Seattle: Center for Reinventing Public Education.
- Rhim, L. M., & Brinson, D. (2010). *Retrofitting Bureaucracy. Factors Influencing Charter Schools' Access to Federal Entitlement Programs*. Lincoln, IL: Center on Innovation and Improvement.
- Rhim, L. M., (2007). *Navigating Special Education in Charter Schools Part II: Authorizers' Role in Ensuring Quality Special Education Programs in Charter Schools*. Chicago: National Association of Charter School Authorizers.
- Rhim, L. M. (2007). *Navigating special education in charter schools part I: Critical background information for authorizers*. Chicago: National Association of Charter School Authorizers
- Section 504 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794.
- Warren, S. H., Ahearn, E. M., Giovannetti, E.A., Lange, C. M., & Rhim, L. M (2004). *Primer for charter school operators: Special education requirements and including students with disabilities in charter schools*. Alexandria, VA: National Association of State Directors of Special Education.

## **GLOSSARY<sup>1</sup>**

Congress passed the Education of All Handicapped Children Act, P.L. 94-142, the precursor to the Individuals with Disabilities Education Act, in 1975. IDEA and related state statutes assign public school districts (i.e., local education agencies or LEAs) and subsequently schools, including charter schools, responsibility for educating students with disabilities and providing a free appropriate public education (FAPE) in the least restrictive environment (LRE). A written plan to provide special education services, the Individualized Education Program (IEP), is developed by a small team comprised of administrators, teachers, specialists, and the student's parents. FAPE and LRE are core principles of special education. The IEP outlines the plan to realize those principles for each student eligible for special education.

### **Part 1: Acronyms**

- **ADA** Americans with Disabilities Act
- **AYP** Adequate Yearly Progress
- **ADHD** Attention Deficit Hyperactivity Disorder
- **CEC** Council for Exceptional Children
- **CSP** Charter Schools Program (of the U.S. Department of Education)
- **ED** U. S. Department of Education
- **EIS** Early Intervening Services (could also be Early Intervention Services - See Definitions)
- **EMO** Educational management organization
- **FAPE** Free appropriate public education
- **FERPA** Family Educational Rights and Privacy Act
- **FRC** Federal Resource Center
- **504** Section 504 of the Rehabilitation Act of 1974
- **IDEA** Individuals with Disabilities Education Act
- **IEP** Individualized education program
- **IFSP** Individualized Family Service Plan
- **LEA** Local education agency (school district)
- **LRE** Least restrictive environment
- **NACSA** National Association of Charter School Authorizers
- **NAEP** National Assessment of Education Progress
- **NAPCS** National Alliance for Public Charter Schools
- **NASDSE** National Association of State Directors of Special Education
- **NCLB** No Child Left Behind Act - the most recent reauthorization of the Elementary and Secondary Education Act (ESEA)
- **NICHCY** National Information Center for Children and Youth with Disabilities
- **NRT** Norm-referenced test
- **OCR** Office for Civil Rights
- **OSEP** Office of Special Education Programs
- **PACER** Parent Advocacy Coalition for Educational Rights
- **RRC** Regional Resource Center
- **RTI** Response to Intervention (See definitions)
- **SEA** State education agency

### **Part 2: Definitions**

#### **ACCOMMODATIONS**

Changes in the administration of an assessment, such as setting, scheduling, timing, presentation format, response mode, or others, including any combination of these that do not change the construct intended to be measured by the assessment or the meaning of the resulting scores. Accommodations are used for equity, not advantage, and serve to level the playing field for a student with a disability. To be appropriate, assessment accommodations must be identified in the student's Individualized Education Program (IEP) or Section 504 plan and used regularly during instruction and classroom

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<sup>1</sup> Glossary developed by NASDSE for the Primer on Special Education Series: <http://www.nasdse.org/specialedprimers>  
**AUTHORIZATION, OPERATIONS, AND RENEWAL GUIDELINES - LEA** **DO NOT CITE OR DISTRIBUTE**

assessment.

### **ACHIEVEMENT TEST**

An instrument designed to efficiently measure the amount of academic knowledge and/or skill a student has acquired from instruction. Such tests provide information that can be compared to either a norm group or a measure of performance.

### **AGGREGATION**

The total or combined performance of all students for reporting purposes.

### **ALIGNMENT**

The similarity or match between or among content standards, curriculum, instruction, and assessments in terms of knowledge and skill expectations.

### **ALTERNATE ASSESSMENT**

The term used for tests that gather information on the standards-based performance and progress of students whose disabilities preclude their valid and reliable participation in general assessments. Alternate assessments measure the performance of a relatively small population of students who are unable to participate in the general assessment system, with or without accommodations, as determined by the IEP Team.

### **ASSESSMENT**

The process of collecting information about individuals, groups, or systems that relies upon a number of instruments, one of which may be a test. Therefore, assessment is a more comprehensive term than *test*.

### **ASSISTIVE TECHNOLOGY DEVICE**

Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device [34 CFR §300.5].

### **ASSISTIVE TECHNOLOGY SERVICE**

Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device [34 CFR §300.6]. It includes evaluation, purchasing, training and other services related to the acquisition and use of such devices.

### **ATTENTION DEFICIT HYPERACTIVE DISORDER (ADHD or ADD)**

A condition with the principal characteristics of inattention, hyperactivity, and impulsivity. It becomes apparent in some children in the preschool and early school years and can continue into adulthood. These symptoms appear early in a child's life. Because many normal children may have these symptoms, but at a low level, or the symptoms may be caused by another disorder, it is important that the child receive a thorough examination and appropriate diagnosis by a well-qualified professional. Under IDEA, a child may be eligible for special education under the category of other health impairment [34 CFR §300.9(i)].

### **AUTHORIZER**

The office or organization that accepts applications, approves, exercises oversight and, after the period of approval, decides on renewal or revocation of a charter school. Some states use different terms for this role, e.g., sponsor.

### **AUTISM**

According to the 2006 IDEA regulations 34 CFR §300.8(2)(c): (i) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. (ii) Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section. (iii) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied.

**BIAS (test bias)**

In a statistical context, bias is a systematic error in a test score. In discussing test fairness, bias is created by not allowing certain groups into the sample, not designing the test to allow all groups to participate equitably, selecting discriminatory material, testing content that has not been taught, etc. Bias usually favors one group of test takers over another, resulting in discrimination.

**CHARTER SCHOOLS**

Charter schools are independent public schools designed and operated by educators, parents, community leaders, educational entrepreneurs and others. They are authorized/sponsored by designated local or state educational organizations who monitor their quality and effectiveness, but allow them to operate outside of the traditional system of public schools. Most states use the term "charter school" although there are other terms in use for this type of school, such as "community school" used in Ohio and "public school academy" in Michigan.

**CHILD WITH A DISABILITY**

A child evaluated in accordance with IDEA regulations §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services [34 CFR §300.8(a)(1)]. (See also STUDENT WITH A DISABILITY)

**CRITERION-REFERENCED TESTS (CRT)**

A test that measures specific skill development as compared to a predefined absolute level of mastery of that skill.

**CURRICULUM-BASED ASSESSMENTS**

Assessments that mirror instructional materials and procedures related to the curriculum resulting in an ongoing process of monitoring progress in the curriculum and guiding adjustments in instruction, remediation, accommodations, or modifications provided to the student.

**DEAF-BLINDNESS**

Deaf blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness [34 CFR §300.8(c)(2)].

**DEAFNESS**

A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance [34 CFR §300.8(c)(2)].

**DEVELOPMENTAL DELAY**

Child with a disability for children aged three through nine (or any subset of that age range, including ages three through five), may include a child: (1) Who is experiencing developmental delays, as defined by the state and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and (2) who, by reason thereof, needs special education and related services [34 CFR §300.8(b)].

In addition: A State that adopts a definition of developmental delay under §300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five). A state may not require an LEA to adopt and use the term developmental delay for any children within its jurisdiction. If an LEA uses the term developmental delay for children described in §300.8(b), the LEA must conform to both the state's definition of that term and to the age range that has been adopted by the state. If a state does not adopt the term developmental delay, an LEA may not independently use that term as a basis for establishing a child's eligibility under this part [34 CFR §300.111(b)].

**DISAGGREGATED**

"Disaggregate" means to separate a whole into its parts. Under NCLB, this term means that test results are sorted into

groups of students who are economically disadvantaged, from racial and ethnic minority groups, have disabilities, or have limited English fluency.

### **EARLY INTERVENING SERVICES**

Early Intervening Services (EIS) is a new section of the 2004 reauthorization of the IDEA that provides that an LEA may use not more than 15 percent of the amount the LEA receives under Part B of the IDEA in combination with other amounts (which may include amounts other than education funds) to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment [34 CFR §300.226].

### **EARLY INTERVENTION SERVICES**

The term 'early intervention' is used to describe the programs and services provided to infants and toddlers under Part C of IDEA who are experiencing developmental delays or have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

### **EMOTIONAL DISTURBANCE**

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems. (ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section [34 CFR §300.8(c)(4)].

### **ERRORS OF MEASUREMENT**

The differences between observed scores and the theoretical true score, the amount of uncertainty in reporting scores, the degree of inherent imprecision based on test content, administration, scoring, or examinee conditions within the measurement process that produce errors in the interpretation of student achievement.

### **EXTENDED STANDARDS**

Content standards that have been expanded while maintaining the essence of the standards, thereby ensuring that all students with significant cognitive disabilities have access to, and make progress in, the general curriculum.

### **FREE APPROPRIATE PUBLIC EDUCATION**

Special education and related services that-- (a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the SEA; (c) Include an appropriate preschool, elementary school, or secondary school education in the state involved; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of IDEA §§300.320 through 300.324 [34 CFR §300.17].

### **HEARING IMPAIRMENT**

An impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section [34 CFR §300.8(c)(5)].

### **HIGH STAKES TESTING**

A test for which important consequences are attached to the results for students, teachers, schools, districts, and/or states. Consequences may include promotion, graduation, rewards, or sanctions.

### **INCLUSION**

Under special education, an approach that stresses educating students with disabilities, regardless of the type of severity of that disability, in the regular classrooms of their neighborhood schools and delivering special education and related services within the classroom to the extent possible.

## **INDIVIDUALIZED EDUCATION PROGRAM**

An IEP is a written statement for a child with a disability that is developed, reviewed and revised in a meeting in accordance with IDEA regulations.

## **INDIVIDUALIZED FAMILY SERVICE PLAN**

An IFSP is a written plan for providing early intervention services to infants and toddlers eligible under Part C of IDEA.

## **INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

IDEA is the major federal law related to special education that provides funding to states and sets specific procedural requirements for the identification and education of students with disabilities.

## **LEAST RESTRICTIVE ENVIRONMENT**

The IDEA requires that, to the maximum extent appropriate, school districts must educate students with disabilities in the least restrictive environment (LRE), i.e., in the regular classroom with appropriate aids and supports (referred to as “supplementary aids and services”) along with their non-disabled peers in the school they would attend if not disabled, unless a student’s individualized education program (IEP) requires some other arrangement. For further details on this concept, see the IDEA regulations at 34CFR §§ 114 through 120.

## **LINKAGE**

The type of connection that is mandated by state law or voluntarily established between a charter school and a traditional LEA.

## **LOCAL EDUCATION AGENCY (LEA)**

A public institution (often referred to as a school district) that has administrative control and direction of one or more public elementary or secondary schools. The term includes a public charter school that is established as an LEA under state law.

## **MATRIX SAMPLING**

A measurement technique organizing a large set of test items into a number of relatively short item subsets, each of which then is administered to a subsample of test takers, thereby avoiding the need to administer all items to all examinees.

## **MENTAL RETARDATION**

Mental retardation means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance [34 CFR §300.8(c)(6)].

## **MINIMUM *n***

There are two ways in which the term “minimum *n*” is used under NCLB requirements:

- 1) the smallest number of students a state has determined can produce statistically reliable results for a subgroup, or
- 2) the smallest number of students to be included in public reporting that will not violate the requirements of confidentiality for the students involved.

## **MODIFICATION**

A change to the testing conditions, procedures, and/or formatting so that measurement of the intended construct is no longer valid and the score cannot be aggregated with scores from tests administered under standard conditions.

## **MULTIPLE DISABILITIES**

Multiple disabilities means concomitant impairments (such as mental retardation-blindness or mental retardation-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness [34 CFR §300.8(c)(7)]

## **NATIONAL ASSESSMENT OF EDUCATION PROGRESS**

NAEP, conducted since 1969, is the only nationally representative and continuing assessment of what American students know and can do in various subject areas. Students with disabilities participate according to NAEP criteria. (For a copy of the criteria, see <http://nces.ed.gov/nationsreportcard>).

### **NORM-REFERENCED TESTS (NRT)**

A standardized test designed, validated, and implemented to rank a students' performance by comparing that performance to the performance of that student's peers.

### **OFFICE OF SPECIAL EDUCATION PROGRAMS**

OSEP is that section of the U. S. Department of Education that is responsible for the implementation of the IDEA. It carries out activities related to state eligibility for IDEA funds and monitoring state compliance with IDEA requirements.

### **ORTHOPEDIC IMPAIRMENT**

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures)[34 CFR §300.8(c)(8)]

### **OTHER HEALTH IMPAIRMENT (OHI)**

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that-- (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and (ii) Adversely affects a child's educational performance [34 CFR §300.8(c)(9)].

### **OUT-OF-LEVEL TESTING**

Out of level testing is a term applied to the administration of a test designed for a level above or below a student's present grade level to enable the student to be assessed at the level of instruction rather than the level of enrollment. This type of test is not allowed under ESEA requirements.

### **PORTFOLIO ASSESSMENT**

An organized collection or documentation of student-generated or student-focused work typically depicting the range of individual student skills that is evaluated and graded according to an established set of criteria.

### **QUALIFIED PERSONNEL**

Under IDEA, qualified personnel means personnel who have met SEA-approved or SEA-recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individuals are providing special education or related services.

### **RELATED SERVICES**

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training [34 CFR §300.34(a)].

### **RESPONSE TO INTERVENTION (RTI)**

RTI is a practice of providing high-quality instruction and intervention matched to student needs using data on the child's learning rate and level of performance to make important educational decisions about the necessity for more intense interventions or as part of evaluating eligibility for special education.

### **RELIABILITY**

The consistency of the test instrument, i.e., the extent to which it is possible to generalize a specific behavior observed at a specific time by a specific person to observations of similar behavior at different times or by different behaviors.

### **SPECIAL EDUCATION**

Special education means specially designed instruction, provided at no cost to the parents, to meet the unique needs of a child with a disability, including-- (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and (ii) Instruction in physical education. (2) Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a)(1) of this section: (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards; (ii) Travel training; and (iii) Vocational education [34CFR §300.39(a)].

### **SPECIFIC LEARNING DISABILITY (SLD)**

The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage [34 CFR §300.8(c)(10)].

### **SPEECH OR LANGUAGE IMPAIRMENT**

A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance [34 CFR §300.8(c)(11)].

### **STANDARDIZED TEST**

A standardized test is a test is administered with the same directions and under the same conditions (time limits, etc.) and is scored in the same manner for all students to ensure the comparability of scores. Standardization allows reliable and valid comparison to be made among students taking the test. The two major types of standardized tests are norm-referenced and criterion-referenced.

### **STANDARDS**

The term standards is used in many different ways in education. As used under the NCLB law and regulations, there are two types of standards:

1. *academic content standards* - the basis of the general education curriculum covering what all students are expected to know and be able to do. These standards apply to all types of assessment for NCLB including alternate assessments.
2. *academic achievement standards* - the degree of proficiency students demonstrate about what they know and are able to do in each of the content areas.

There are three subtypes of academic achievement standards:

- a) *grade level* achievement standards;
- b) *alternate* achievement standards for students with the most significant cognitive disabilities (performance criteria for a small percent of students that must be aligned with the regular academic achievement standards); and
- c) *modified* achievement standards (performance criteria aligned with regular academic achievement standards for an additional group of students who can make progress toward grade-level achievement standards but may not reach them in the same timeframe as other students).

### **STANDARDS-BASED ASSESSMENTS**

Assessments constructed to measure how well students have mastered specific content standards or skills.

### **STANDARDS-BASED IEP**

A process and a document that is framed by state standards and that contains goals aligned with, and chosen to facilitate the student's achievement of, state grade-level academic standards.

### **STATE EDUCATION AGENCY**

An SEA is the component of state government that is primarily responsible for the state supervision of public elementary and secondary schools.



## **STUDENT (CHILD) WITH A DISABILITY**

In the Individuals with Disabilities Act, a child with a disability is defined as “a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.”

Section 504 of the Rehabilitation Act of 1973 defines a "handicapped person" (outdated terminology) as "any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment."

## **TRANSITION SERVICES**

A coordinated set of activities for a child with a disability that--

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes--

(i) Instruction;

(ii) Related services;

(iii) Community experiences;

(iv) The development of employment and other post-school adult living objectives; and

(v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education [34CFR §300.43].

Under the section on the IEP, the IDEA law also provides that:

Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include-

(1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(2) The transition services (including courses of study) needed to assist the child in reaching those goals [34CFR §300.320(a)(7)(b)].

## **TRAUMATIC BRAIN INJURY**

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma [34 CFR §300.8(c)(12)].

## **VALIDITY**

The extent to which a test measures what it was designed to measure. Multiple types of validity exist. Common types of validity include the following:

*Construct validity:* The extent to which the characteristic to be measured relates to test scores measuring the behavior in situations in which the construct is thought to be an important variable.

*Content validity:* The extent to which the stimulus materials or situations composing the test call for a range of responses that represent the entire domain of skills, understandings, or behaviors that the test is intended to measure.

*Convergent validity:* The extent to which the assessment results positively correlate with the results of other measures designed to assess the same or similar constructs.

*Criterion-related validity:* The extent to which test scores of a group or subgroup are compared to other criterion measures

(ratings, classifications, other tests) assigned to the examinees.

*Face validity*: Concept based on a judgment concerning how relevant the test items appear to be, it relates more to what a test appears to measure than to what the test actually measures.

### **VISUAL IMPAIRMENT INCLUDING BLINDNESS**

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. [34 CFR §300.8(c)(13)].

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